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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,014

09/05/2003

Laurence Cloutier

G&C 30566.121-US-C1

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7590

07/24/2006

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EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,014	CLOUTIER, LAURENCE	
	Examiner	Art Unit	
	M. Lee	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-40, 42-62 and 64-67 is/are rejected.
- 7) ☒ Claim(s) 18, 41 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/675,917.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-16, 24-39, 46-61 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of U.S. Patent No. 6,671,000. Although the conflicting claims are not identical, they are not patentably distinct from each other because the conflict claims essentially recite the same invention despite of different wordings. For instance, the only difference between the instant claimed invention in claim 1 and the patented invention in claim 1 is the supplying step. The instant invention claims, "supplying images to said look-up means such that images displayed on said monitor are transformed in response to said compensation requirement but not said calibration requirement." At the same time, the

patent claims, "supplying images to said look-up means such that images displayed on said monitor are transformed in response to said second gamma transformation but not said first gamma transformation." As defined in the claim body, the terms "said compensation requirement" and "said calibration requirement", and the terms "second gamma transformation" and "first gamma transformation" are essentially the same, respectively. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize that the two conflict claims are essentially the same.

Regarding claims 2-8, in addition of above, patented claims 3-9 read on the claimed invention, respectively.

Regarding claims 9-16, in addition of above, patented claims 2-9 meet the claimed invention, respectively.

Regarding claims 24-31, in addition of above, patented claims 10 and 12-18 meet the claimed invention, respectively.

Regarding claims 32-39, in addition of above, patented claims 11-18 meet the claimed invention, respectively.

Regarding claims 46-53, in addition of above, patented claims 19 and 21-26 meet the claimed invention, respectively.

Regarding claims 54-61, in addition of above, patented claims 20-26 meet the claimed invention, respectively.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17, 40, 42, 62 and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapaich (6,441,870).

Regarding claim 17, Rapaich discloses an automatic gamma correction system for multiple video sources showing a personal computer (Figure 1), which includes an instruction storage means, a central processing means, and graphical processing means (col. 3, lines 39-45). Rapaich further shows a set of instructions (Figure 3) to be processed by the processor. Steps 310-340 meet the combining functions as claimed (see col. 4, lines 3-6). Steps 350-360 meet the supplying step as claimed.

Regarding claim 40, see rejection to claim 17.

Regarding claim 42, see col. 5, lines 19-26.

Regarding claim 62, see rejection to claim 17.

Regarding claim 64, see rejection to claim 42.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-23, 43-45 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapaich (6,441,820).

Regarding claims 19-21, Rapaich inherently includes D/A converting means and red, green and blue look-up tables; however, Rapaich does not specify the input/output multiplexing means as claimed. The Examiner takes Official Notice that using an input/output multiplexing means for routing data from a common processing unit to a plurality of receiving devices is well known in the art because it eliminates the need of multiple processing units. Since the RGB input signal in Rapaich can be gamma corrected by the same processing means, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include an input/output multiplexing means into Rapaich to perform the well known functions as claimed.

Regarding claims 22 and 23, see col. 5, line 59, to col. 6, line 3.

Regarding claims 43-44, Rapaich shows a graphical user interface (116) except the storing and retrieving steps as claimed. The Examiner takes Official Notice that using user defined gamma correction is well known in the art because it enables a user to choose a preferred image output. Hence, it would have been obvious to one of

ordinary skill in the art at the time of the invention was made to utilize the graphical user interface (116) in Rapaich to store and retrieve user defined gamma correction values.

Regarding claim 45, see rejection to claims 19-21.

Regarding claims 65 and 66, see rejection to claims 43-44.

Regarding claim 67, see rejection to claims 19-21.

Allowable Subject Matter

7. Claims 18, 41 and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barton (6,266,103) shows a user-defined curve.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that tapers off to the right.

M. Lee
Primary Examiner
Art Unit 2622